

225 CMR 17.00

ADVANCED BIOFUELS QUALIFICATION AND MINIMUM CONTENT REQUIREMENTS

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17.01: Authority

225 CMR 17.00 is promulgated pursuant to M.G.L. c. 64A, § 1A.

17.02: Definitions

Cellulosic Biofuel. A fuel that may be used in place of petroleum-based fuel, and is derived from cellulose, hemicellulose or lignin that is derived from Renewable Biomass.

Department. The Massachusetts Department of Energy Resources (DOER), established by M.G.L. c. 25A §1.

Eligible Cellulosic Biofuels. A Cellulosic Biofuel that receives a Statement of Qualification from the Department.

Feedstock. A raw material used to produce a fuel.

Lifecycle Greenhouse Gas Emissions. The aggregate quantity of greenhouse gas emissions, including direct emissions and significant indirect emissions such as significant emissions from land use changes, as determined by the Department in consultation with the department of environmental protection and the executive office of energy and environmental affairs, related to the full fuel lifecycle, including all stages of fuel and Feedstock production and distribution, from Feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

Manufacturer and Wholesale Distributor. Any person, corporation, or other entity that

produces, manufactures, or imports a cellulosic biofuel as defined in this regulation or who supplies, sells, transfers, or otherwise introduces into commerce such biofuel to resellers or end-users.

Renewable Biomass. A non-fossil fuel-based material, including: planted crops; crop residues; planted trees and tree residues from sustainably managed forests; waste materials including agricultural crop residues, animal waste, animal by-products, organic portions of municipal solid waste, grease trap waste, construction and demolition debris; and algae, or as otherwise determined by the Department, in consultation with the department of environmental protection and the executive office of energy and environmental affairs.

Statement of Qualification. A written document from the Department that qualifies a Cellulosic Biofuel as an Eligible Cellulosic Biofuel.

Waste Feedstock. Previously used or discarded solid, liquid or contained gaseous material with heating value resulting from industrial, commercial or household food service activities that would otherwise be stored, treated, transferred or disposed. Waste Feedstock shall include, but not be limited to: waste vegetable oils, waste animal fats, substances derived from wastewater and the treatment of wastewater or grease trap waste. Waste Feedstock shall not include petroleum-based waste or waste that otherwise meets the definition of hazardous waste, unless otherwise determined by the department of environmental protection.

17.03: Administration

225 CMR 17.00 shall be administered by the Department.

17.04: Applicability

225 CMR 17.00 applies to producers of Cellulosic Biofuels.

17.05: Eligibility Criteria for Advanced Biofuels

- (1) Eligibility Criteria for Cellulosic Biofuels. A Cellulosic Biofuel may qualify as an Eligible Cellulosic Biofuel subject to the following criterion.
 - a. The Cellulosic Biofuel must yield at least a 60 percent reduction in Lifecycle Greenhouse Gas Emissions relative to average Lifecycle Greenhouse Gas Emissions for petroleum based fuel sold in 2005, as determined by the Department in consultation with the department of environmental protection and the executive office of energy and environmental affairs.

17.06: Statement of Qualification Process for Advanced Biofuels

- (1) Statement of Qualification Process. A Manufacturer or Wholesale Distributor of a Cellulosic Biofuel seeking qualification of such fuel as an Eligible Cellulosic Biofuel shall submit a Statement of Qualification application to the Department. The applicant shall be subject to the following application process, review, and exemptions (if applicable).
 - a. Beginning on January 1, 2009 and ending on the date upon which the Department establishes an application procedure pursuant to 225 CMR 17.06(1)b, Manufacturers and Wholesale Distributors of Cellulosic Biofuel who seek to have their fuel classified as Eligible Cellulosic Biofuel shall provide documentation satisfactory to the Department that such fuel yields at least a 60 percent reduction in Lifecycle Greenhouse Gas Emissions per unit of delivered energy, in comparison to the petroleum based fuel displaced. In determining the percentage reduction in Lifecycle Greenhouse Gas Emissions relative to petroleum-based fuel achieved by particular supplies of Cellulosic Biofuel, the Department, in consultation with the department of environmental protection and the executive office of energy and environmental affairs, shall use information and best practices available from other sources, including other states, the federal government, foreign governments, academic research and private and non-profit organizations.
 - b. The Department may determine in consultation with the department of environmental protection and the executive office of energy and environmental affairs that an independent protocol for assessing Lifecycle Greenhouse Gas Emissions is satisfactory for the purpose of the qualification of Cellulosic Biofuels as Advanced Cellulosic Biofuel. Beginning on the date of such determination, Manufacturers and Wholesale Distributors who seek to have their fuel classified as Eligible Cellulosic Biofuel shall demonstrate the reduction in Lifecycle Greenhouse Gas Emissions using such adopted protocol.
 - c. Exemption for Waste Feedstocks. If the Department determines through an initial review that a Waste Feedstock will yield at least a 60 percent reduction in Lifecycle Greenhouse Gas Emissions, is free of hazardous materials and hazardous waste, and meets any other conditions established by the Department, the Department may exempt fuel produced from such a feedstock from a full Lifecycle Greenhouse Gas Emissions analysis.
- (2) Issuance of a Statement of Qualification.

- a. If the Department finds that a Cellulosic Biofuel meets all the eligibility criteria of an Eligible Cellulosic Biofuel, the Department will provide the Manufacturer or Wholesale Distributor of such Cellulosic Biofuel with a Statement of Qualification.
- b. The Statement of Qualification shall include any applicable restrictions and conditions that the Department deems necessary to ensure eligibility by a particular Cellulosic Biofuel with the provisions of 225 CMR 17.00.
- c. If the Cellulosic Biofuel does not meet the requirements for eligibility as an Eligible Cellulosic Biofuel, the Department shall provide written notice to the Manufacturer or Wholesale Distributor, including the Department's reasons for such finding.

17.07: Severability

If any provision of 225 CMR 17.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.